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REMARKS

The Final Office Action dated November 1, 2005 and the references cited therein have been fully considered. Reconsideration of this application as amended is respectfully requested in light of the foregoing amendments and following remarks.

Claims 42-57 are pending in the application.

Claims 42 and 53 are amended herein.

Claim 43 has been cancelled.

Claims 44-52 and 54-57 have been previously presented.

Claims 42 and 44-57 are presented for consideration.

Applicants thank Examiners Hill, Housel and Reynolds for the consideration and assistance provided to Applicants' attorney during a telephone interview conducted on January 12, 2006. Applicants have fully considered the suggestions made therein in the claim amendments submitted with this response.

Claim Rejections Under 35 U.S.C. §112

The rejections with respect to claims 42-57 under 35 USC §112, second paragraph as being indefinite for claiming the invention in such a way as to claim zero A elements and A elements that can be different when there is only one A element. Applicants have amended claim 42 to further define and distinguish the claimed invention. Support for the claim amendments is provided within the Specification on page 11, lines 17-19, and page 11, lines 25-34 and Example 2.

In view of the above, it is respectfully requested that these rejections be withdrawn.

Claim Rejection Under 35 U.S.C. §103

Claims 42, 43, 45-47 and 50-57 are rejected under 35 U.S.C. §103 as being unpatentable over Hardy et al. (WO 97/32481) in light of Grable et al. (1990) and Schmid et al. (J. Virol, 1997) is maintained. It has been asserted that in view of the "comprising" language of the pending claims that the packaging cassette can include more than just A elements and does

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not require the elements to be in any specific order or not in wild type order. The Office Action also asserts that Hardy teaches a synthetic packaging signal of six A elements and that in view of Grable and Schmid that such A elements could include the consensus sequence, ATTTGN₈CG (SEQ ID NO:1), to form the packaging signal claimed herein.

Applicants have amended claim 42 to further clarify that the ambiguous N₈ sequence is replaced by the N₈ sequence from another A element such that the resulting A element differs from both the corresponding wild type A element and each other. It should be noted that while Applicants' invention herein shuffles the internal, ambiguous N₈ sequence from one A element to another, the sequences flanking the consensus sequence have not been altered. A review of Figure 2 in Grable makes it clear that sequences flanking the consensus sequence are different for each A element. Only the portion of the consensus sequence for the N₈ sequence has been shuffled. Thus, the synthetic packaging signal cassette claimed herein has A elements that differ from their corresponding wild-type A elements and from each other. Neither Hardy alone nor in combination with Grable and/or Schmid motivates or suggests to one of ordinary skill in the art, a packaging signal comprising A elements in which the N₈ sequence has been replaced by that of a different A element.

Thus, it is respectfully submitted that the cited references do not make prima facie obvious the claimed invention. Applicants request that the Examiner reconsider and withdraw this rejection.

CONDITIONAL PETITION

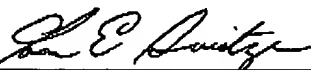
Applicants hereby make a Conditional Petition for any relief available to correct any defect in connection with this filing, or any defect remaining in this application after this filing. The Commissioner is authorized to charge deposit account 13-2755 for the petition fee and any other fee(s) required to effect this Conditional Petition.

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CONCLUSION

In view of the foregoing amendments and remarks, it is seen that all grounds of rejection have been overcome and that Claims 1-7 and 9-15 are in proper condition for allowance. Accordingly, Applicants respectfully request that all of the objections and rejections of record be withdrawn and that a Notice of Allowance be forwarded to the Applicants. The Examiner is invited to contact Applicants' Attorney at the telephone number given below, if such would expedite the allowance of this application.

Respectfully submitted,

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